

FILED
4/9/21 11:45 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Ryan S. Kadlecik and
Cheri L. Kadlecik**

) **Case No. 20-21563-JAD**
)
) **Chapter 13**
)
Debtor(s).) **Related To ECF Nos. 62, 54**
X

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis**

☐ **Chapter 13 Plan dated:**

☐ **Authorizing Distributions Under Plan** ☒ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate Protection **11-13-2020**

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$, beginning. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least ____ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor shall be paid monthly payments of \$ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be

determined by Trustee to pay in full during the Plan term:

- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☐ K. Additional Terms and Conditions:

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: April 9, 2021


Jeffery A. Deller mas
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

In re:
Ryan S. Kadlecik
Cheri L. Kadlecik
Debtors

Case No. 20-21563-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Apr 09, 2021

User: msch
Form ID: pdf900

Page 1 of 4
Total Noticed: 56

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 11, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Ryan S. Kadlecik, Cheri L. Kadlecik, 4001 Oak Point Circle, Mc Kees Rocks, PA 15136-1584
cr	+ American Express National Bank, c/o Zwicker & Asso, 80 Minuteman Road, P.O. Box 9043, Andover, MA 01810-0943
cr	+ Caliber Home Loans, Inc., Robertson, Anschutz, Schneid & Crane LLC, 10700 Abbott's Bridge Road, Suite 170, Duluth, GA 30097-8461
cr	+ County of Allegheny, GRB Law, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES 15219-6101
cr	+ Kennedy Township, 437 Grant Street, 14th Floor, Frick Building, Frick Building, Pittsburgh, PA 15219 UNITED STATES 15219-6101
15243214	+ Allegheny County, c/o Jordan Tax Service, 102 Rahway Dr, Canonsburg, PA 15317-3349
15243215	+ American Express National Bank, 4315 South 2700 We, Salt Lake City, UT 84184-0001
15245544	+ American Express National Bank, AENB, c/o Zwicker and Associates, P.C., Attorneys/Agents for Creditor, P.O. Box 9043, Andover, MA 01810-0943
15243216	+ Amex, Correspondence/Bankruptcy, Po Box 981540, El Paso, TX 79998-1540
15257148	Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15243222	+ Clearview Credit Union, Attn:Bankruptcy, 8805 University Blvd, Moon Township, PA 15108-4212
15243221	+ Clearview Credit Union, Attn:Bankruptcy, c/o Robert L. Ritter, Director, 8805 University Blvd, Moon Township, PA 15108-4212
15243223	Clearview Federal Credit Line, 1453 Beers School, Coraopolis, PA 15108
15243224	Clearview Federal Credit Union, Attn: Bankruptcy, 1453 Beers School Road, Coraopolis, PA 15108
15274593	+ County of Allegheny, GRB Law, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh PA 15219-6101
15243230	+ First PREMIER Bank, Attn: Bankruptcy, Po Box 5524, Sioux Falls, SD 57117-5524
15252251	+ JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o National Bankruptcy Services, LLC, P.O. Box 9013, Addison, Texas 75001-9013
15274594	+ Kennedy Township, GRB Law, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh PA 15219-6101
15243231	+ Kennedy Township, Jordan Tax Service, 102 Rahway Road, McMurray, PA 15317-3349
15243233	+ Memory Keepers Inc., 4001 Oak Point Circle, Mc Kees Rocks, PA 15136-1584
15243234	+ Metz Lewis Bordman Must O'Keefe LLC, 535 Smithfield Street, Suite 800, Pittsburgh, PA 15222-2305
15243235	+ Montour SD, c/o Weiss Burkardt Kramer, LLC, 445 Fort Pitt Blvd., Suite 503, Pittsburgh, PA 15219-1308
15243245	+ Zwicker & Associates, c/o Michael R. Lipinski, Esquire, 3220 Tillman Drive Suite 215, Bensalem, PA 19020-2028

TOTAL: 23

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Apr 10 2021 02:19:12	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15243217	+ Email/Text: ECMBKMail@Caliberhomeloans.com	Apr 10 2021 02:08:00	Caliber Home Loans, 13801 Wireless Way, Oklahoma City, OK 73134-2500
15243218	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Apr 10 2021 02:21:35	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15245531	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Apr 10 2021 02:20:23	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15268052	Email/PDF: Citi.BNC.Correspondence@citi.com	Apr 10 2021 02:20:27	Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
15243220	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Apr 10 2021 02:20:29	Citibank/The Home Depot, Citicorp Credit Srvs/Centralized Bk dept, Po Box 790034, St

District/off: 0315-2

User: msch

Page 2 of 4

Date Rcvd: Apr 09, 2021

Form ID: pdf900

Total Noticed: 56

			Louis, MO 63179-0034
15265937	+ Email/Text: bankruptcy@clearviewfcu.org	Apr 10 2021 02:08:00	Clearview Federal Credit Union, 8805 University Boulevard, Moon Township, PA 15108-4212
15243225	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Apr 10 2021 02:07:00	Comenity Bank/Abarcormbie, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
15243226	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Apr 10 2021 02:07:00	Comenity Bank/Buckle, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
15243227	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Apr 10 2021 02:07:00	Comenity Bank/Victoria Secret, Attn: Bankruptcy, Pob 182125, Columbus, OH 43218-2125
15243228	Email/PDF: Citi.BNC.Correspondence@citi.com	Apr 10 2021 02:20:27	Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15265331	Email/Text: bnc-quantum@quantum3group.com	Apr 10 2021 02:07:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
15245134	Email/Text: mrdiscen@discover.com	Apr 10 2021 02:07:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15243229	+ Email/Text: mrdiscen@discover.com	Apr 10 2021 02:07:00	Discover Financial, Attn: Bankruptcy, Po Box 3025, New Albany, OH 43054-3025
15268863	+ Email/Text: kbarkley@bernsteinlaw.com	Apr 10 2021 02:08:00	Duquesne Light Company, c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15243219	Email/PDF: ais.chase.ebn@americaninfosource.com	Apr 10 2021 02:20:22	Chase Card Services, Attn: Bankruptcy, Po Box 15298, Wilmington, DE 19850
15243232	+ Email/Text: PBNCNotifications@peritussservices.com	Apr 10 2021 02:07:00	Kohls/Capital One, Attn: Credit Administrator, Po Box 3043, Milwaukee, WI 53201-3043
15278122	+ Email/PDF: ais.midfirst.ebn@americaninfosource.com	Apr 10 2021 02:21:34	MidFirst Bank, Bankruptcy Department, 999 NW Grand Boulevard, #110, Oklahoma City, OK 73118-6051
15243236	+ Email/Text: bnc@nordstrom.com	Apr 10 2021 02:07:14	Nordstrom FSB, Attn: Bankruptcy, Po Box 6555, Englewood, CO 80155-6555
15259979	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Apr 10 2021 02:21:37	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15270180	Email/Text: RVSVCBICNOTICE1@state.pa.us	Apr 10 2021 02:08:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946
15266928	Email/Text: bnc-quantum@quantum3group.com	Apr 10 2021 02:07:00	Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
15243237	+ Email/PDF: gecsed@recoverycorp.com	Apr 10 2021 02:21:34	Synco Bank/American Eagle, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15243238	+ Email/PDF: gecsed@recoverycorp.com	Apr 10 2021 02:19:08	Synco/hhgreg, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15243239	+ Email/PDF: gecsed@recoverycorp.com	Apr 10 2021 02:19:08	Synco/walmart, Attn: Bankruptcy Dept, PO Box 960098, Orlando, FL 32896-0098
15265171	+ Email/PDF: gecsed@recoverycorp.com	Apr 10 2021 02:20:21	Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
15243384	+ Email/PDF: gecsed@recoverycorp.com	Apr 10 2021 02:20:21	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15243240	+ Email/PDF: gecsed@recoverycorp.com	Apr 10 2021 02:21:34	Synchrony Bank/ JC Penneys, Attn: Bankruptcy, Po B 965064, Orlando, FL 32896-5064
15243241	+ Email/PDF: gecsed@recoverycorp.com	Apr 10 2021 02:20:22	Synchrony Bank/Care Credit, Attn: Bankruptcy

District/off: 0315-2

User: msch

Page 3 of 4

Date Rcvd: Apr 09, 2021

Form ID: pdf900

Total Noticed: 56

15243242	+ Email/PDF: gecsedl@recoverycorp.com	Apr 10 2021 02:21:34	Dept, Po Box 965060, Orlando, FL 32896-5060 Synchrony Bank/Lowes, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15243243	+ Email/PDF: gecsedl@recoverycorp.com	Apr 10 2021 02:20:22	Synchrony Bank/Sams, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15266905	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Apr 10 2021 02:19:16	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
15243244	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Apr 10 2021 02:21:35	World's Foremost Bank, Attn: Bankruptcy, 4800 Nw 1st St, Lincoln, NE 68521-4463

TOTAL: 33

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Clearview Federal Credit Union, c/o Metz Lewis Brodman Must O'Keefe LLC, 535 Smithfield Street, Suite 800, Pittsburgh
cr		MidFirst Bank
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 11, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 9, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor MidFirst Bank bnicholas@kmlawgroup.com
Bryan P. Keenan	on behalf of Debtor Ryan S. Kadlecik keenan662@gmail.com melindap662@gmail.com
Bryan P. Keenan	on behalf of Joint Debtor Cheri L. Kadlecik keenan662@gmail.com melindap662@gmail.com
Jeffrey R. Hunt	on behalf of Creditor Kennedy Township jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor County of Allegheny jhunt@grblaw.com cnoroski@grblaw.com
John R. O'Keefe, Jr.	on behalf of Creditor Clearview Federal Credit Union jokeefe@metzlewis.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov

District/off: 0315-2

User: msch

Page 4 of 4

Date Rcvd: Apr 09, 2021

Form ID: pdf900

Total Noticed: 56

Roger P. Poorman

on behalf of Creditor Clearview Federal Credit Union rpoorman@metzlewis.com mmattheis@metzlewis.com

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 10